

January 8, 2002

Hon. Assistant Commissioner for Patents  
Box Patent Application  
Washington, D.C. 20231

J1046 U.S. PTO  
10/038722  
01/08/02

Re: New Nonprovisional Continuation  
Patent Application under 37 CFR §1.53(b) in U.S.  
Applicant(s): LEY, Arthur Charles et al.  
Title: ITI-D1 KUNITZ DOMAIN MUTANTS AS HNE INHIBITORS  
Atty's Docket: LEY=1B

Sir:

1. ☒ The present nonprovisional application is a ☒ Continuation  
[ ] Divisional [ ] Continuation-in-part of prior application  
No. 08/849,406. **This application is not a CPA.** The prior  
application is not being abandoned in favor of this  
application.
2. Attached herewith is the above-identified nonprovisional application  
under 37 CFR §1.53(b) for Letters Patent including:
  - ☒ Specification (136 pages), claims (4 pages) and abstract (1  
page), sequence listing (53 pages). There are no drawings in  
this case.
  - ☒ Declaration and Power of Attorney (4 pages)  
[ ] Newly executed ☒ Copy from prior application no.  
08/849,406
  - [ ] Preliminary Amendment
  - [ ] Supplemental Preliminary Amendment
  - ☒ Information Disclosure Statement
  - [ ] PTO-1449 or PTO-892 forms from prior application(s)
  - [ ] A verified statement to establish small entity status under 37  
CFR §1.9 and 37 CFR §1.27
  - [ ] A verified statement claiming small entity status was filed on  
\_\_\_\_\_ in prior application no. \_\_\_\_\_. Status is still  
proper and desired.
  - ☒ Application Data Sheet. This corrects the domestic priority of  
the declaration to conform to that set forth on page 1 of the  
application.

If no declaration is attached, or the basic filing fee is not paid,  
accord this application a filing date, and notify counsel pursuant to 37 CFR  
§1.53(f).

[X] Credit Card Payment Form, PTO-2038, authorizing payment in the amount of \$1,704.00 is attached.

[X] The filing fee calculated as follows:

CLAIMS AS FILED					
FOR	No. FILED	Base Number	No. EXTRA	RATE	BASIC FEE
					\$ 740.00
TOTAL CLAIMS	58	-20	38	x 18 =	\$ 684.00
INDEPENDENT	1	-3	0	x 84 =	\$
[X] First presentation of multiply dependent claim			280	x 280 =	\$ 280.00
Reduction by 1/2 for filing by small entity					-\$
			TOTAL FILING FEE		\$1,704.00

Total claims were calculated as follows: 34 singly dependent claims, and two 12-way dependent claims (34+12+12=58).

[X] Return Receipt Postcard (in duplicate)

3. The following inventor(s) were named in the prior application:

<b>Full Name of Inventor 1</b> LEY, Arthur Charles	
<b>Residence (City/State or City/Country)</b> Newton, Massachusetts	<b>Citizen Of:</b> United States
<b>Post Office Address</b> 122 Adena Road, Newton, Massachusetts 02165	
<b>Full Name of Inventor 2</b> GUTERMAN, Sonia Kosow	
<b>Residence (City/State or City/Country)</b> Belmont, Massachusetts	<b>Citizen Of:</b> United States
<b>Post Office Address</b> 20 Oakley Road, Belmont, Massachusetts 02178	
<b>Full Name of Inventor 3</b> MARKLAND, William	
<b>Residence (City/State or City/Country)</b> Milford, Massachusetts	<b>Citizen Of:</b> United States
<b>Post Office Address</b> 26 Windsor Road, Milford, Massachusetts 01757	
<b>Full Name of Inventor 4</b> KENT, Rachel Baribault	
<b>Residence (City/State or City/Country)</b> Boxborough, Massachusetts	<b>Citizen Of:</b> United States
<b>Post Office Address</b> 60 Stonehedge Place, Boxborough, Massachusetts 01719	

<b>Full Name of Inventor 5</b> ROBERTS, Bruce Lindsay	
<b>Residence (City/State or City/Country)</b> Milford, Massachusetts	<b>Citizen Of:</b> United States
<b>Post Office Address</b> 26 Windsor Road, Milford, Massachusetts 01757	
<b>Full Name of Inventor 6</b> LADNER, Robert Charles	
<b>Residence (City/State or City/Country)</b> Ijamsville, Maryland	<b>Citizen Of:</b> United States
<b>Post Office Address</b> 3827 Green Valley Road, Ijamsville, Maryland 21754	

(The latest inventor signed §1.63 Declaration in the parent application or its predecessors is hereby incorporated by reference. In the event of discrepancy between the Declaration and the list above, the Declaration controls and the list above is amended accordingly.)

☒ [XX] The inventors of the present application are the same as those on the prior application.

☐ [ ] Please delete the following inventors who were named on the prior application, but are not inventors of the invention being claimed in the present application: \_\_\_\_\_

☐ [ ] The following additional inventors are to be named on the instant application: \_\_\_\_\_

4. ☐ [ ] The benefit under 35 USC §119 is claimed of the filing date of: Application No. \_\_\_\_\_ in \_\_\_\_\_ on \_\_\_\_\_. A certified copy of said priority document ☐ [ ] is attached ☐ [ ] was filed in progenitor case \_\_\_\_\_ on \_\_\_\_\_.

5. ☐ [ ] Amend the specification by inserting, immediately after the title, the sentence:

6. ☐ [ ] Certain documents were previously cited or submitted to the

Patent and Trademark Office in the following prior application \_\_\_\_\_, which is relied upon under 35 USC §120. Applicants identify these documents by attaching hereto one or more form PTO-1449 and/or form PTO-892 listing these documents, and request that they be considered and made of record in accordance with 37 CFR §1.98(d). Per 37 CFR §1.98(d), copies of these documents need not be filed in this application.

While an IDS filed under §1.97 must contain a "list of all patents, publications or other information submitted for consideration by the Office", see §1.98(a)(1), the only requirement for the list is that it provide the information set forth in §1.98(b). There is no requirement that a form PTO-1449 be used (MPEP §609 merely says that use of this form is "encouraged") and no prohibition on submitting a copy of a form PTO-1449 or form PTO-892 from a prior case. Indeed, the re-use of such forms is desirable as it avoids error in transferring the information, and evidences that the reference was considered in a prior application. A previously accepted PTO-1449, or an examiner-prepared PTO892, necessarily complies with §1.98(b).

7. If reliance is made on a declaration filed in a prior application, then

[X] The undersigned attorney of record hereby revokes the powers of attorney of:

XX NICK S. BROMER, Reg. No. 33,478

    JOHN E. TARCZA, Reg. No. 33,638

[X] The undersigned attorney of record hereby appoints associate power of attorney, to prosecute this application and to transact all business in the Patent and Trademark Office in connection therewith to:

XX JAY M. FINKELSTEIN, Reg. No. 21,082

8. [X] The Commissioner is hereby authorized to charge payment of the following additional fees associated with this communication or credit any overpayments to Deposit Account No. 02-4035:

[X] Any additional filing fees required under 37 CFR §1.16.

[X] Any patent application processing fees under 37 CFR §1.17.

[X] The Commissioner is hereby authorized to charge payment of the following fees, based on any paper filed during the pendency of this application or any CPA thereof, to effect any amendment, petition, or other action requested in said paper or credit any overpayments to Deposit Account No. 02-4035:


- [X] Any patent application processing fees under 37 CFR §1.17.  
[ ] The issue fee set in 37 CFR §1.18 at or before mailing the Notice of Allowance, pursuant to 37 CFR §1.311(b).  
[X] Any filing fees under 37 CFR §1.16 for presentation of extra claims.

[X] If a paper is untimely filed in this or any CPA thereof by Applicant(s), the Commissioner is hereby petitioned under 37 CFR §1.136(a) for the minimum extension of time required to make said paper timely. In the event a petition for extension of time is made under the provisions of this paragraph, the Commissioner is hereby requested to charge any fee required under 37 CFR §1.17 to Deposit Account 02-4035.

[X] The Commissioner is hereby authorized to credit any overpayment of fees accompanying this paper to Deposit Account No. 02-4035.

9. [X] The §120 reference on page 1 has been updated, and revised to limit the claim of priority to February 28, 1992 while still incorporating by reference the earlier applications. Applicants reserve the right to assert an earlier priority if found necessary to support the claims, or if the claims are amended.

Respectfully submitted,  
BROWDY AND NEWMARK, P.L.L.C.

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